

Ernesto Cole # 44020-004  
Federal Correctional Institution  
P.O. Box 725  
Edgefield, SC, 29824  
2-24-25

Honorable Judge Leonie M. Brinkema  
United States District Court  
Eastern District of Virginia  
401 Courthouse Square  
Alexandria, VA, 22314



Compassionate Release Request For  
Ernesto Cole # 44020-004  
Case Number: 1:00-CR-455 (LMB)

Esteemed and respected Judge Brinkema, I send my sincere greetings with hopes that you are in the best of health and truly enjoying life alongside your loved ones.

Dear Judge, I submitted a CR request Pursuant to program statement 5050.50 and U.S.C. 3582(c)(1)(A)(i) to the Warden of this Institution on Friday July 29, 2022 (Exh. 1) and after not receiving a response from him, I submitted one to the Court 30 days later. When I did not receive a response from the government, I requested the Court to order the government to show cause as to why my request should not be granted. The Court did so by giving the government 14 days to comply. The government requested 30 additional days to do so and I received their opposition on approximately Feb. 14, 2024 and to which I responded dutifully.

It has been now approximately one year since my response to the government's opposition, a new president has been elected, and President Trump has issued an executive order on deportation -- \*Criminal convictions\* -- Individuals convicted of any criminal offense. This is a broad category and includes even minor offenses.

Therefore, Pursuant to such order, I wish to now respectfully and humbly request a compassionate release to be deported to Panama.

I am currently incarcerated in Edgefield Federal Correctional Institution and have been here 14 years. I am a 60 years old citizen of Panama and have been detained for 25 years and am scheduled for deportation upon completion of my sentence. Therefore, I believe that my early release would serve the interest of justice, humanitarian concerns, and the efficient use of government resources. Following are my grounds for compassionate release.

#### 1.) Eligibility For Deportation

I am an undocumented immigrant who has been processed for deportation by the U.S. Immigration and Customs Enforcement (ICE) (Exh.2). My removal from the U.S. is imminent upon completion of my sentence which congress has determined at 25 years for those of us serving life sentences. Releasing me now would allow my return to Panama without further burdening the Federal Prison System.

#### 2.) Humanitarian Considerations

Due to my personal acceptance of my criminal past and sincere remorsefulness, I have embarked on and demonstrated a vast and significant rehabilitation journey from the first days of my incarceration with thousands of programming hours and facilitating of educational programs while also taking vocational training from the federal institutions in which I have been placed and also via correspondence with other non-institutional sources (Exh. 3). I have also employed my rehabilitation and time to write four books -- not for profit but simply to make copies at my own expense and share with my fellow inmates to --

in a sense -- try to influence them for the better and to become more conscious and aware of our actions (Exh. 4). Furthermore in Exh. 5 you will see many other certificates for sporting events and the like which are not included in my transcript/programming file but are truly indicative of me putting my time to positive endeavors. Additionally, despite both my parents passing away during my incarceration, I still have very strong ties in Panama with two adult and professional offspring, five brothers and sisters, and many other extended family members whom I can still share emotional and financial support with.

### 3.) Health And Safety Concerns

Fortunately, me being a C.P.T. (Certified Personal Trainer), I have been able to maintain fairly good physical health; however, after being infected twice with COVID-19 despite being vaccinated, I contracted pneumonia which left scars on my lungs, gave me high blood pressure, and cholesterol as well -- which I then discovered were hereditary and am now taking medication for (Lisinopril, Atorvastatin, and mini-Aspirins). Consequently, I still fear being infected by COVID-19 again and not survive its next attack in this congregate living environment. (Proof of the aforementioned could be verified by my medical records)

### 4.) Cost Savings And Judicial Economy

Dear Judge Brinkema, I have been incarcerated since 1999 and truly believe my release and deportation to Panama would reduce a financial burden on the Bureau of Prisons and allow resources to be allocated to higher-risk individuals given that my deportation is already assured; continued incarceration serves no meaningful purpose.

## 5.) Legal Basis For Compassionate Release

Under 18 U.S.C. section 3582(c)(1)(A), the Court may grant compassionate release if extraordinary and compelling reasons warrant a reduction in sentence. The U.S. Commission has recognized that deportation eligibility, combined with other factors such as rehabilitation and health concerns can constitute such reasons. Furthermore, the First Step Act allows inmates to Petition the Court directly for compassionate release after exhausting administrative remedies; which I have done since July 2022.

## Conclusion:

Truly respected and highly regarded Judge Brinkema, I humbly urge the Court to grant me this compassionate release so that I may return to Panama, reunite with my loved ones, and now sincerely serve my community with the knowledge, experience, and wisdom I acquired during this long incarceration which served me lots of reflection and maturity. My early release will not only serve the interest of justice but also reflect the principles of compassion and fairness that underpins the legal system of this great country.

Again, Judge Brinkema, I thank you dearly for your time and consideration of this very humble request and pray that your compassion and professionalism make you and yours most fortunate.

P.S. - Dear Judge Brinkema, if you were to look at my "Program Review/Transcript File" (Exh. 6), you will see at the bottom of "current FSA assignments" that my risk of recidivism is minimum and has been that way for many years; something I have determined myself to maintain until death do me part.

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a dashed line.

Signature

3-4-25

Date